

# Changing Your Legal Residence

## 1. Explanation of Terms:

**Domicile or Legal Residence** is the state where you have your true and permanent home. For servicemembers, it is the place one intends to return at the conclusion of one's military service. However, you do not need always need to change your domicile to obtain the benefits that a legal resident of state has. For example, if you have lived in Virginia for at least six months, you qualify as a "legal resident" for purposes of obtaining a divorce.

**Home of Record** is a military term. Specifically, it is the place you were appointed, enlisted or ordered to active duty. It serves to determine your travel entitlements upon your ETS from the military.

## 2. Changing Your State of Domicile

You need to do two things to change your domicile. First you need to be **actually present** in the state you want to establish as your new domicile. For example, if you have never lived in Texas, you can not establish Texas as your new domicile. Second, you **must show an intention to remain** in your new domicile permanently or indefinitely.

## 3. Proving Your Intent With Regard To Your Domicile

No one act will definitively prove your intent to change your domicile. Below is a list of acts that may help you demonstrate your intent to establish domicile in a new state:

- a. Submitting a revised federal tax withholding form (W4) to reflect your home address in your new state.
- b. Buying property or occupying a personal residence in the new state.
- c. Registering to vote in the new state and actually voting there.
- d. Maintaining a place of business in the new state.
- e. Obtaining a driver's license and vehicle registration from the new state.
- f. Submitting DD Form 2058 (State of Legal Residence Certificate) to the Finance Offices to change withholding of state income tax to the new state.
- g. Paying state income and property taxes in the state you want to make your domicile.
- h. Declaration of residence or legal documents, such as wills, mortgages, leases, contracts, insurance policies, and hospital records.
- i. Declarations of domicile in affidavits or litigation.

Remember, this informational sheet is not designed to answer every question regarding changing your state of legal residence. It is merely designed to serve as a starting point. If you have more questions contact your local legal assistance office.